

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
DECEMBER 5, 2005**

PRESENT: Janice Boeck, Jeannie Bush, Rod Gottfredsen, Vera Harris, Nancy Paggao, Howard Twait, and Jeffrey Patterson

EXCUSED: Mary Blake

STAFF PRESENT: Tim Wellnitz, Bureau Director; Dennis Schuh, Legal Counsel; Pat Schenck, Bureau Assistant; Darwin Tichenor, Exam Specialist; Judy Mender, Credentialing; and Division of Enforcement Staff

GUESTS: Elizabeth Niderway, Sandra Plotecher, Crystal Zindler, Jennifer Wilson; Jackie Behling, Manju Varha, Lauri Thomas, Alexander Thomas Sch of Esth; Hafeezah Ahmad, BAS/DWD; Janet Radke, Enve Salon & Day Spa; Cheryle Rebholz, Faces Esthetic II Salon; Bonnie Zentzuis, Danya Sasada, Inst. Of Beauty & Wellness; Lorraine Bothello, Lorraine's Salon; Debbie Cesar, Ines Miljevic, Michael Knuekles, MATC; Gail LeRman, Dori Schiefelbeimi, Tracy Sabol, Elizabeth Steffen, Heather Dempsey, Mequon-Thiensville Sch of Est; Marija Mack, Nat Nails/Phases Hair & Body; Mary Kardoskeerg, Mary Kiley, NCAWI # 42; Ashley Fukall, Kathie F, Natalia Gall, Tracy Jaeck, SCBC; Dawn Holden, Morgan Zabrowski, Skin Alive; Ann Derenne, Skin Tight LLC; Jacqueline Radke, Skin Vive; Michelle Krueger, SkinCare Solutions; Andi Burns, Dominique Ryan, Leah Wyn, State Col of Beauty Culture

CALL TO ORDER

Jeannie Bush, Vice Chair, called the meeting to order at 9:34 a.m. A quorum of seven members was present.

AGENDA

Amendments to Agenda:

- Add case 05 BAC 009 to Item Z (red folder)
- Add continuing education after Item J.

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to approve the agenda as amended. Motion carried unanimously.

TELECONFERENCE MINUTES OF SEPTEMBER 15, 2005

MOTION: Jeffrey Patterson moved, seconded by Vera Harris, to approve the teleconference minutes of September 15, 2005 as written. Motion carried unanimously.

MINUTES OF SEPTEMBER 12, 2005

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to approve the minutes of September 12, 2005 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT TIM WELLNITZ, BUREAU DIRECTOR

Hotel Reservations 2006

Mr. Wellnitz reported on the Department's new hotel policy for 2006. The Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave in Madison for all future hotel reservations in 2006.

Mr. Wellnitz reiterated the Department's policy regarding the toll free 800 number for Board members only.

The Division of Enforcement has set a deadline of July 14, 2006 to file or resolve all 2003 cases.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT SUBMITTED AFTER PRINTING OF THE AGENDA.

There were no presentations given by the Division of Enforcement for the following stipulations.

1. Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World 04 BAC 021
2. Follicle Hair Studio and Marco A. Carrasquillo 03 BAC 015
3. Supercuts # 9414 04 BAC 026
4. Maria T. Feser, Antonio Fred, and Teres Cupido Beauty Salon LLC 05 BAC 030
5. Agustin A. Garnica, La Tijera 03 BAC 022

TRAVEL

Report on the NABBA 79th Annual conference – September 17-22, 2005, Myrtle Beach SC by Jeffery Patterson

Mr. Patterson reported on NABBA's 79th Annual Conference he attended on September 17-22, 2005 at Myrtle Beach, SC. Highlights of the meeting included:

- Exchange of information between state barber boards and state agencies, examining, licensing and regulation of the barber industry
- Addressed particular issues that affect the barber industry

- Barber industry depleting
- Some states require barber poles outside place of business
- Develop standards and procedures for examining barbers
- Standards for licensing and policing the barber industry, curriculum for educating barbers, and continuous education in the barber industry
- Develop and promote procedures for ensuring that the consumer is informed and protected
- Generate solutions to create a stronger barbering industry
- Guest speakers spoke on topics of braiding, fake licenses, licensing felons, and the history of the barber pole
- Wisconsin is the only state that does not have barbering as a specialty
- Other states training hours concentrated on barbering and/or hair cutting more considerably than in Wisconsin

Wisconsin seems to be falling short when it comes to creating well-trained barbers.

LEGISLATIVE/ADMINISTRATIVE RULES UPDATE

Appendix A and Scope Statement – Providing Services Outside of a Licensed Establishment

Mr. Wellnitz reviewed the scope statement on providing services outside of a licensed establishment with the Board.

MOTION: Janice Boeck moved, seconded by Nancy Paggao, to adopt the scope statement as written on providing services outside of a licensed establishment. Motion carried unanimously.

Appendix A and Scope Statement – Sanitation Standards for Electrologists

Mr. Wellnitz reviewed the scope statement on sanitation standards for electrologists with the Board.

MOTION: Jeffrey Patterson moved, seconded by Janice Boeck, to adopt the scope statement as written on sanitation standards for electrologists. Motion carried unanimously.

Scope Statement – Prohibiting Discrimination in the Providing of Services

Mr. Wellnitz reviewed the scope statement on prohibiting discrimination in the providing of services with the Board.

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to adopt the scope statement as written on prohibiting discrimination in the providing of services. Motion carried unanimously.

AB 777 – Relating to Board Composition

Mr. Wellnitz updated the Board on AB 777 relating to the composition of the Board. Under this bill, an aesthetician may serve on the Board, but the bill does not change the number of members on the Board. The Board decided to take no position on this bill.

Discussion of Possible Rule Related to Use of Forged Documents

The Board discussed a rule change regarding the use of forged documents.

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to request that a scope statement be drafted relating to use of forged documents. Motion carried unanimously.

Discussion of Possible Rule Related to Salon Owners Charging for Booth Rentals

The Board discussed a possible rule change regarding salon owners charging for booth rentals. The Board will not be moving forward on this item.

EXAMINATION AND EDUCATION

Revised Procedures for Verification of Training for Examination Eligibility – Darwin Tichenor

Darwin Tichenor addressed the Board regarding new procedures developed by the Department to insure that credentials from other states are valid. The Department's policy went into effect November 15, 2005 and all schools will be required to follow these procedures.

The Board reviewed the procedures for evaluation of non-Wisconsin training. An applicant's whose training was provided by a school in a state other than Wisconsin is required to have an evaluation of the training by a Wisconsin barbering and cosmetology school in order to determine if the previous education is equivalent to Wisconsin's current educational requirement.

Aesthetics Exam Concern – Darwin Tichenor

Darwin Tichenor addressed the Board regarding receipt of a letter pertaining to the Department's aesthetics examination. Mr. Tichenor requested the Board's opinion on appointing a panel of aesthetics to review the examination and report to the Board. Janice Boeck will serve on the panel along with other interested persons. Mr. Tichenor will choose additional panel members.

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, that a panel be appointed to review the aesthetics examination. Motion carried unanimously.

Reciprocity Agreement with New York

Mr. Schuh addressed the Board regarding a request to enter into a reciprocity agreement with New York and noted that New York's education requirements are substantially less than what Wisconsin requires.

The Board requested that Mr. Wellnitz respond to New York stating that Wisconsin is not interested in entering into a reciprocity agreement.

NATIONAL-INTERSTATE COUNCIL (NIC)

(FYI) Proposed Amendments to Bylaws of NIC

Informational item.

CONTINUING EDUCATION DISCUSSION

Ms. Bush stated that she is in favor of the Department implementing continuing education for the barbering and cosmetology profession. The number of complaints the Department has received in the last five years should warrant the Department implementing continuing education. Continuing education protects the public's health and welfare.

The Board discussed older barbers from small communities having difficulty obtaining continuing education credits but agreed that they should take continuing education to be kept up to date and current. Rod Gottfredsen had some concerns about going forward with continuing education.

Mr. Wellnitz stated that the Department currently does not have the staff available or the funding available to implement continuing education for the Barbering and Cosmetology profession. The Board requested that Mr. Wellnitz check to see if the Continuing Education Committee could start to meet again on the same day of Board meetings. The Committee would look at continuing education requirements, but would not implement changes until the Department has funding available.

Mr. Wellnitz stated that it was unlikely the Committee would be allowed to start up again, but he will check with the Department on this and report to the Board at their next meeting on February 6, 2006.

MISCELLANEOUS INFORMATION

(FYI) Press Release – Hurricane Katrina

The Board expressed their thanks and appreciation for the Department taking a position to help the hurricane Katrina victims.

NEW BUSINESS

None.

BOARD MEMBER ACTIVITY

None.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Janice Boeck moved, seconded by Vera Harris, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Janice Boeck-yes; Jeannie Bush-yes; Rod Gottfredsen-yes; Vera Harris-yes; Nancy Paggao-yes; Jeffrey Patterson-yes.; Howard Twait-yes.

Open session recessed at 11:35 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE INTO OPEN SESSION

MOTION: Jeffrey Patterson moved, seconded by Vera Harris, to reconvene into open session at 12:15 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS AND CITATIONS

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to close the attached cases **05 BAC 061, 04 BAC 056, 04 BAC 069** and approve citations as final decisions and orders for cases **05 BAC 061, 04 BAC 056, 04 BAC 069**. Motion carried unanimously.

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to close the following cases:
03 BAC 076 for insufficient evidence
05 BAC 035 for insufficient evidence
05 BAC 013 for prosecutorial discretion (P5)
04 BAC 011 for no violation
03 BAC 093 for insufficient evidence

03 BAC 103 for prosecutorial discretion (P2)
04 BAC 076 for prosecutorial discretion (P2)
04 BAC 047 for insufficient evidence
03 BAC 027 for prosecutorial discretion (P1)
05 BAC 048 for no violation
05 BAC 032 for no violation
03 BAC 101 for prosecutorial discretion (P2)
03 BAC 099 for insufficient evidence
05 BAC 009 for no violation
Motion carried unanimously.

STIPULATIONS

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to accept all the Stipulations as written in the matter concerning the Board. Motion carried unanimously.

CLARENCE D. NGUYEN AND CINDY LE NGUYEN D/B/A NAILS WORLD 04 BAC 021

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World 04 BAC 021**. Motion carried unanimously.

FOLLICLE HAIR STUDIO AND MARCO A. CARRASQUILLO 03 BAC 015

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Follicle Hair Studio and Marco A. Carrasquillo 03 BAC 015**. Motion carried unanimously.

SUPERCUTS # 9414 04 BAC 026

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Supercuts # 9414 04 BAC 026**. Motion carried unanimously.

MARIA T. FESER, ANTONIO FRED, AND TERES CUPIDO BEAUTY SALON LLC 05 BAC 030

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Maria T. Feser, Antonio Fred, and Teres Cupido Beauty Salon LLC 05 BAC 030**. Motion carried unanimously.

AGUSTIN A. GARNICA, LA TIJERA 03 BAC 022

MOTION: To adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Agustin A. Garnica, La Tijera 03 BAC 022**. Motion carried unanimously.

ADJOURNMENT

MOTION: Janice Boeck moved, seconded by Vera Harris to adjourn the meeting at 12:17 p.m. Motion carried unanimously.

NEXT MEETING: February 6, 2006